

EXHIBIT 15

Johnson, James Michael

12/9/2009

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF VIRGINIA

RICHMOND DIVISION

ePLUS, INC.,)

Plaintiff,)

v.) No. 3:09cv620

LAWSON SOFTWARE, INC.,)

Defendant.)

Washington, D.C.

Wednesday, December 9, 2009

Videotape Deposition of JAMES MICHAEL JOHNSON, called
for examination by counsel for Defendant in the
above-entitled matter, the witness being duly sworn
by CHERYL A. LORD, a Notary Public in and for the
District of Columbia, taken at the offices of
TROUTMAN SANDERS LLP, 401 9th Street, Suite 1000,
Washington, D.C., at 8:35 a.m., and the proceedings
being taken down by Stenotype by CHERYL A. LORD, RPR,
CRR.

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1 marketed to customers of Fisher?
 2 MS. ALBERT: Objection, vague and
 3 ambiguous as to time.
 4 BY MR. McDONALD:
 5 Q. You can answer.
 6 A. It was used as a tool by Fisher Scientific
 7 U.S. operations to gain large accounts.
 8 Q. Was -- was the way that large accounts
 9 were enticed to use Fisher Scientific in part because
 10 Fisher would offer to have a customer service
 11 representative at the -- at the customer's location
 12 using the RIMS system?
 13 A. That was part of it.
 14 Typically, the larger customers that
 15 Fisher Scientific had at that time were organizations
 16 such as Johnson & Johnson, Hoffmann-La Roche, very
 17 large organizations. And thinking about what Fisher
 18 Scientific did, they were a distribution company.
 19 So we -- think of your tenth-grade biology
 20 class. We sold everything that was in that lab, you
 21 know, from beakers to chemicals to frogs, you name
 22 it.
 23 And basically, we would house inventory at
 24 these customer locations. And -- for JIT purposes,
 25 and we used RIMS to entice large companies to be able

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1 to house our inventory in a just-in-time fashion
 2 allowing to us manage that inventory so that we could
 3 service the customer as well as gain new accounts,
 4 large accounts for revenue purposes.
 5 Q. How -- how did Fisher Scientific actually
 6 make its money in those situations where the RIMS
 7 system was installed at customer locations?
 8 A. By sale of our product.
 9 Q. That would be all the stuff you were
 10 listing like the frogs and the beakers and all that?
 11 A. Yes, sir.
 12 Q. Okay. So the -- the RIMS system -- having
 13 that RIMS system on-site at customers such as Johnson
 14 & Johnson, that was part of the -- the sales or
 15 marketing pitch to either gain or keep large
 16 customers?
 17 A. Yes, sir.
 18 Q. RIMS was part of that marketing pitch by
 19 1992.
 20 Correct?
 21 A. That sounds accurate.
 22 I'm not sure of the exact dates, but --
 23 Q. If you turn to the last document, the
 24 patent for RIMS is the bottom one in that little
 25 stack I gave you there.

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1 Do you have Lawson exhibit 7 now before
 2 you?
 3 A. Yes, sir.
 4 Q. Is that the patent number 5,712,989?
 5 A. Yes.
 6 Q. And that's what entitled, just-in-time
 7 requisition and inventory management system?
 8 A. Yes.
 9 Q. Is this your understanding of the RIMS
 10 patent?
 11 A. Yes.
 12 Q. Do you see there on the first page on the
 13 left side a little below the title, this was filed
 14 April 2, 1993?
 15 A. Yes.
 16 Q. Does that refresh your recollection at all
 17 as to whether the RIMS system was part of the Fisher
 18 Scientific marketing pitches at least by late '92?
 19 A. I'd say that was accurate. It may have
 20 been a little before.
 21 Q. Yeah.
 22 It was at least on sale by the end of '92
 23 and perhaps sometime earlier than that even; is that
 24 right?
 25 MS. ALBERT: Objection, calls for

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1 speculation.
 2 BY MR. McDONALD:
 3 Q. You can answer.
 4 A. I guess it could be, yes.
 5 Q. Do you have any idea how long before the
 6 end of 1992 the RIMS system was being used in the
 7 Fisher Scientific marketing pitches?
 8 MS. ALBERT: Objection, calls for
 9 speculation.
 10 A. How long after?
 11 BY MR. McDONALD:
 12 Q. How long prior to the end of '92.
 13 A. Don't recall exactly. I would be
 14 guessing.
 15 Q. Did you have any role with respect to the
 16 marketing of the RIMS system?
 17 A. Did I have any role?
 18 Q. Yes.
 19 A. Other than training the marketing folks,
 20 no.
 21 Q. Okay. So when you say, training the
 22 marketing folks, can you explain what you mean by
 23 that?
 24 A. There was a marketing team that would
 25 market the applications that we developed in the IT

5 (Pages 14 to 17)

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1 department. And their role was to go out to the
2 customers and give presentations.

3 We would train those folks, and then they
4 would go out and train the sales force in the
5 functionality that we have within our systems.

6 Q. In 1992, did you train Fisher Scientific
7 marketing personnel specifically on the RIMS system?

8 MS. ALBERT: Objection, calls for
9 speculation.

10 A. I'm sure we did. We trained them on all
11 our systems.

12 BY MR. McDONALD:

13 Q. And you personally did that; is that
14 right?

15 A. Either me or one of my staff depending on
16 what particular time we're talking about.

17 Q. Well, let's take the 1992 time frame.

18 Did you perhaps among others participate
19 in marketing training regarding the RIMS system?

20 MS. ALBERT: Objection, calls for
21 speculation.

22 A. I was involved in training Fisher
23 personnel that were in the marketing group, yes.

24 BY MR. McDONALD:

25 Q. And the purpose of that training was to

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1 that were working on this, yes.

2 Q. There's a number of tables in the RIMS
3 '989 patent. If you turn to the column -- beginning
4 of column 37 and continuing to column 48.

5 You see tables going from Roman numeral I
6 to table 24 in that range of columns.

7 Correct?

8 A. Yes.

9 Q. Where did those tables come from?

10 A. In some case, they are screenshots.

11 Q. Screenshots of what?

12 A. RIMS.

13 Q. So these would be shots of the computer
14 screen for the RIMS system at various points in using
15 the system?

16 Is that what you mean by, screenshots?

17 A. Yes.

18 Q. Are some of the tables something other
19 than screenshots of RIMS?

20 A. Looks like there's a printout here from a
21 report.

22 Q. Which of the tables is a printout?

23 A. It appears to me the last one, the
24 document printing process, where we're printing out
25 information.

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1 help those marketing personnel then train the Fisher
2 Scientific sales personnel; is that right?

3 A. Yeah, to tell them what our systems could
4 do.

5 Q. And then the sales personnel would then
6 tell the customers what the system could do in sales
7 pitches?

8 A. Yes, sir.

9 Q. If you have the RIMS patent, the '989
10 patent before, exhibit 7, does this document describe
11 the RIMS system as it existed at least by April 2nd,
12 1993?

13 A. Yes.

14 Q. So it accurately describes the RIMS system
15 that was part of those sales pitches to customers at
16 least by April of 1993?

17 A. Yes.

18 Q. You reviewed this application and in
19 effect signed an oath and declaration related to it
20 when it was filed.

21 Right?

22 A. Yes.

23 Q. Did you participate at all in either
24 drafting the application or reviewing a draft?

25 A. I would review drafts from the attorneys

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1 Q. So that would be table 24 that begins at
2 the bottom of column 45 and continues to column 48?

3 A. It starts at column 41, line 35.

4 Is that what you said?

5 Q. I said -- actually I was talking about
6 column 45, because I thought you said it was the last
7 table.

8 A. Oh, sorry.

9 Nope. There's more tables.

10 I'm sorry.

11 Nope. I was talking about the one that
12 was on column 41, starting on 35. Looks like a print
13 document of some kind.

14 Q. Okay. So that's table 15 you're saying
15 that's a printout.

16 Correct?

17 A. Yes, that's what it would appear to be.

18 Q. Are there any other tables in here that
19 are printouts as opposed to screenshots other than
20 table 15?

21 (Pause.)

22 A. On column 45, at the bottom, tables 24
23 and -- continued 24. That looks like just a list of
24 messages we had in the system. That wouldn't be a
25 screenshot.

6 (Pages 18 to 21)